

### REMARKS

Claims 1-3 and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hurst et al. (U.S. Publication No. 2003/0007646). In response, Applicants amended independent claims 1 and 10 to clarify that the encrypted private data is encrypted using a common key cryptosystem, and that the encrypted private data use license is encrypted using a public key cryptosystem, and respectfully traverse the rejection based on these amendments.

Hurst is directed to a method and apparatus for exercising a license for machines playing protected audio/video works. Hurst teaches in paragraph [0019] a method of distributing encrypted content by delivering encrypted content and a license related thereto to a terminal, wherein the license contains binding attributes corresponding to a user identity. The encrypted content of Hurst is asserted by the Examiner as equivalent to the encrypted private data of the present invention. However, the encrypted content of Hurst is not encrypted using a common key cryptosystem, as now recited in amended claims 1 and 10. Instead, the content 124 of Hurst is encrypted with a content key 130 which is typically a symmetrical key. (See paragraph [0058] of Hurst).

Hurst is directed to copyright protection of a copyrighted digital work. In contrast, the present invention relates to a method for distributing private information in a secure manner. The present invention's purpose for using private information is different from that of Hurst. As shown in FIG. 7 of the present Application, the purpose of using private information is used to determine whether or not access to the private information should be granted.

If there is only small amount of private information, then the information may not be particularly useful. However, when more private information accumulates, then value of the private information increases. The present invention adopts a mechanism that regulates both usability of the private information by a user and confidentiality of that private information. In order to implement usability for a user, a plurality of pieces of private information are listed, such as those shown in FIGs. 15 and 34 of the present Application, so that the user can use the private information. Additionally, confidentiality of the private information can be maintained by using cryptographic techniques.

The framework for using private information as shown in FIGs. 28 and 40 of the present Application results in an improved methodology for protecting the confidentiality of the private information. In particular, the design configuration of a provider of private information, a private information center, a service provider, and other information related to the providing and use of private information such as data format or data flow are protected.

Additionally, as shown in FIG. 10 of the present Application, the encryption scheme used between the first provider and the second provider is different from that used in Hurst. In particular, Hurst fails to disclose or suggest using a common key cryptosystem for data in combination with a public key cryptosystem for a data use license. For all of these reasons, withdrawal of the §102(e) rejection of claims 1-3 and 10 is respectfully requested.

Claims 4-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hurst in view of one or more of Peinado et al. (U.S. Patent No. 6,775,655), Cooper et

al. (U.S. Publication No. 2001/0051996), and Floyd et al. (U.S. Patent No. 6,243,692). Applicants respectfully traverse the rejections for the reasons recited above with respect to the rejection of independent claim 1.

Since claims 4-9 ultimately depend upon claim 1, they necessarily include all of the features of their associated independent claim plus other additional features. Thus, Applicants submit that the § 103 rejections of claims 4-9 have also been overcome for the same reasons mentioned above to overcome the rejections of independent claim 1. Applicants respectfully request that the §103 rejections of claims 4-9 also be withdrawn.

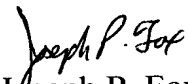
For the foregoing reasons, Applicants believe that this case is in condition for allowance, which is respectfully requested. The Examiner should call Applicants' attorney if an interview would expedite prosecution.

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Respectfully submitted,

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